

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

REV. BRIAN THOMAS, : **CIVIL ACTION NO. 1:07-CV-1032**

:
Plaintiff : **(Judge Conner)**

:
v. :

PAUL K. ALLISON, et al., :
:
Defendants :

ORDER

AND NOW, this 12th day of December, 2007, upon consideration of *pro se* plaintiff's motion (Doc. 5) pursuant to Rule 59 of the Federal Rules of Civil Procedure to vacate the order of court dated June 13, 2007 (Doc. 4), which granted plaintiff's motion to proceed *in forma pauperis* (Doc. 2) and dismissed the complaint without leave to amend, and it appearing that plaintiff attaches an amended complaint to the motion (see Doc. 5 at 2-9), but that this amended complaint fails for the same reasons as the original complaint (see Doc. 4), see 28 U.S.C. § 1915(e), and the court finding that there are no manifest errors of law or fact in the challenged order, see Scott v. Warden, F.C.I. Schuylkill, No. 3:06-CV-1790, 2007 WL 3334997, at *1 (M.D. Pa. Nov. 9, 2007) (citing Max's Seafood Cafe ex rel. Lou-Ann, Inc. v. Quinteros, 176 F.3d 669, 677 (3d Cir. 1999)), it is hereby ORDERED that the motion to vacate (Doc. 5) is DENIED. Any appeal from this order is DEEMED frivolous and not in good faith. See 28 U.S.C. § 1915(a)(3).

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge